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EXAMINER

SALL, EL HADJI MALICK

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/085,300	Applicant(s) HOLDSWORTH ET AL.	
	Examiner El Hadji M. Sall	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed on March 30, 2006. Claims 1 and 10 are amended. Claims 4 and 13 are cancelled. Claims 1-3, 5-12 and 14-20 are pending. Claims 1-3, 5-12 and 14-20 represent method and system for preserving message order when parallel processing message.

2. ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheussler et al. U.S. 6,366,950 (referred to hereafter as Sche) in view of Allavarpu et al. U.S. 6,839,748.

Sche teaches the invention substantially as claimed including system and method for verifying users' identity in a network using e-mail communication.

As to claims 1 and 10, Sche teaches a method and a system for preserving message order when parallel processing messages, comprising:

receiving messages each including a marker for identifying a message source (column 3, lines 40-47, Sche discloses the first computer encloses the identification number to a message, the second computer is to receive the message and to retrieve the identification number from the message (i.e. the identification number is the "marker"));

responsive to receipt of a message, using the marker to identify the source of the message (column 3, lines 40-47, Sche discloses the identification from the message is used to retrieve the identity of the first computer (i.e. "the source of the message)); and

wherein a predetermined value of the marker indicates that ordering is not required (column 2, lines 35-37, Sche discloses a client module generates a message including the identification number, and sends the message over the communication medium (i.e. there was no queuing or "ordering" to send the message, "ordering is not required" to send the message over the communication medium)).

Sche fails to teach explicitly determining whether it is required to preserve the message order.

However, Allavarpu teaches synchronous task scheduler for CORBA gateway. Allavarpu teaches determining whether it is required to preserve the message order (column 21, line 61 to column 22, line 3, Allavarpu discloses preserving message order (further requirement of "whether it is required" is implicitly taught since Allavarpu discloses the client may receive replies for a given request before receiving any replies for any subsequent requests)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sche in view of Allavarpu to provide determining whether it is required to preserve the message order. One would be motivated to do so to allow streaming video.

Sche fails to teach explicitly dispatching each message in accordance with its marker to one of a plurality of parallel processing threads such that processing order is preserved when required for messages processed through the plurality of parallel processing threads.

However, Allavarpu teaches a dispatching each message in accordance with its marker (figure 4; column 21, lines 62-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sche in view of Allavarpu to provide dispatching each message in accordance with its marker to one of a plurality of parallel processing threads such that processing order is preserved when required for messages processed through the

plurality of parallel processing threads. One would be motivated to do so to allow scalability and fault tolerance.

As to claims 2 and 11, Sche teaches the method and the system of claims 1 and 10 wherein the step of dispatching comprises:

retaining a list of all markers of messages that are being processed in parallel (column 14, lines 56-67, Sche discloses the contact list that allows to look up a specific ID number);

determining whether the marker of a new message is present in the list (column 2, lines 40-43, Sche discloses the processing of the identification number and the updating of the identification database is triggered when the message is received); and

delaying initiating parallel processing of the new message until the marker is no longer in the list (column 14, lines 50-67, Sche discloses the internet shop can request a look-up of the client e-mail address to ensure the data of the order is correct, and the identification database permits users to look up other users only by e-mail (the ID or the "marker" does not affect the users' transaction)).

As to claims 3 and 12, Sche teaches the method and the system of claims 2 and 11.

Sche fails to teach explicitly maintaining an ordered queue for each marker that is in the list of messages being processed, and, when message processing by one of

the plurality of parallel processing threads completes for a marker, dispatching to said one of the plurality of parallel processing threads the next message in the ordered queue for said marker.

However, Allavarpu teaches maintaining an ordered queue for each marker that is in the list of messages being processed, and, when message processing by one of the plurality of parallel processing threads completes for a marker, dispatching to said one of the plurality of parallel processing threads the next message in the ordered queue for said marker (figure 4; column 14, line 29 to column 15, line 5, Allavarpu discloses in 412, the EDS Sink may enqueue the event in a queue corresponding to the particular manager 206. This queue is required to ensure ordered delivery of events to the consumer. In particular, the delivery of events may occur in the order in which the events are generated. In 414, the EDS Sink may dispatch the event to the client 206).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sche in view of Allavarpu to provide maintaining an ordered queue for each marker that is in the list of messages being processed, and, when message processing by one of the plurality of parallel processing threads completes for a marker, dispatching to said one of the plurality of parallel processing threads the next message in the ordered queue for said marker. One would be motivated to do so to allow scalability and fault tolerance.

As to claims 5 and 14, Sche teaches the method and the system of claims 1 and 10 wherein the marker is derived from characteristics of the source of the ordered messages (column 2, lines 35-37, Sche discloses the client computer includes a module that generates a message that includes the identification number).

As to claims 6 and 15, Sche teaches the method and the system of claims 5 and 14 wherein the characteristics include at least one of:

- an identifier of the user originating the message (column 2, lines 48-52);
- an identifier of a repository on which message is put (column 3, lines 64-67);
- an identifier associated with a respective input node receiving the message (column 3, lines 46-48, Sche the server is connectable to the communication medium and comprises an identification database); and
- an identifier associated with the mode of processing (column 4, lines 1-2, Sche teaches a processor-specific identifier).

As to claims 7 and 16, Sche teaches the method of claim 6 and 15 wherein the characteristics include:

- an identifier of the user originating the message (column 2, lines 48-52);
- an identifier associated with a respective input node receiving the message (column 3, lines 46-48, Sche the server is connectable to the communication medium and comprises an identification database); and

an identifier associated with the mode of processing (column 4, lines 1-2, Sche teaches a processor-specific identifier).

As to claims 8 and 17, Sche teaches the method and the system of claims 6 and 15 wherein the characteristics include:

an identifier of the user originating the message (column 2, lines 48-52);

an identifier of a repository on which message is put (column 3, lines 64-67);

and

an identifier associated with the mode of processing (column 4, lines 1-2, Sche teaches a processor-specific identifier).

As to claims 9 and 18, Sche teaches the method and the system of claims 1 and 10 wherein the marker comprises a hash code (column 5, lines 32, Sche discloses the encoded module included in computer 2 can hash the ID number).

As to claim 19, Sche teaches a computer program element comprising computer program means for performing the method of claim 1 (figure 2).

As to claim 20, Sche teaches a computer program product comprising program code recorded on a machine readable recording medium, for controlling the operation of a data processing system on which the program code executes, to perform the method of claim 1 (figure 2).

4. *Response to Arguments*

Applicant's arguments filed 03/30/06 have been fully considered but they are not persuasive.

(A) Applicant argues that Initially, Applicants note that independent claims 1 and 10 have been amended to recite that a predetermined value of the marker indicates that ordering is not required. Thus, claims 1 and 10 each recite a determination of whether or not message order is preserved is based upon the marker associated with the message. This limitation is neither taught nor suggested by Scheussler and Allavarpu, either alone or in combination.

In regards to point (B), examiner respectfully disagrees.

Column 2, lines 35-37, Sche discloses a client module generates a message including the identification number, and sends the message over the communication medium (i.e. there was no queuing or "ordering" to send the message, "ordering is not required" to send the message over the communication medium).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, One would be motivated to do so to allow streaming video.

(B) Applicant argues that as already admitted by the Examiner, Scheussler fails to teach "determining whether it is required to preserve the message order." Applicants' use of the term "determining" means that a decision is made as to at least two options (i.e., message order is to be persevered or message order is not to be preserved). A "determining" step cannot be performed if only one option exists (i.e., message order is not to be preserved). Therefore, the Examiner's assertions that (i) Scheussler fails to teach determining whether message order is to be preserved yet (ii) Scheussler teaches "a predetermined value of the marker indicates that ordering is not required" are mutually exclusive (i.e., both assertions cannot be correct). Thus, one of the Examiner's assertions is correct and the other assertion is not. Applicants respectfully submit that the Examiner's second assertion (i.e., Scheussler teaches the limitations previously presented in claims 4 and 13) is not correct. The Examiner cited column 2, lines 35-37 of Scheussler for support to teach these limitations, and for ease of reference this cited passage is reproduced below:

The present invention provides a system and a method of identifying computer users. In one embodiment, a communications network includes several computers connected to a communications medium.

As readily apparent, the Examiner did not derive the claimed “predetermined value of the marker indicates that order is not required” from this passage.

In regards to point (B), examiner respectfully disagrees.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Examiner uses column 2, lines 35-37 of Sche, which cites the following: “a client module generates a message including the identification number, and sends the message over the communication medium (i.e. there was no queuing or “ordering” to send the message, “ordering is not required” to send the message over the communication medium) to reject claims 4 and 13.

5. Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall
Patent Examiner
Art Unit: 2157


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